

Effective 7/1/2015

Superseded 5/10/2016

49-16-502 Death of active member in Division B -- Payment of benefits.

- (1) If an active member of this system enrolled in Division B under Section 49-16-301 dies, benefits are payable as follows:
 - (a) If the death is classified by the office as a line-of-duty death, benefits are payable as follows:
 - (i) If the member has accrued less than 20 years of firefighter service credit, the spouse at the time of death shall receive:
 - (A) a lump sum equal to six months of the active member's final average salary; and
 - (B) an allowance equal to 37.5% of the member's final average monthly salary.
 - (ii) If the member has accrued 20 or more years of firefighter service credit, the member shall be considered to have retired with an allowance calculated under Section 49-16-402 and the spouse at the time of death shall receive the death benefit payable to a spouse under Section 49-16-504.
 - (b) If the death is not classified by the office as a line-of-duty death, the benefits are payable as follows:
 - (i) If the member has accrued five or more years of firefighter service credit, the death is considered line-of-duty and the spouse at time of death shall receive:
 - (A) a lump sum of \$1,500; and
 - (B) an allowance as established under Subsection (1)(a)(i)(B).
 - (ii) If the member has accrued less than five years of firefighter service credit, the spouse at the time of death shall receive a refund of the member's contributions, plus 50% of the member's most recent 12 months compensation.
 - (c) If the member has accrued five or more years of firefighter service credit, the member's unmarried children until they reach age 21 or dependent unmarried children with a mental or physical disability, shall receive a monthly allowance of \$75.
- (2)
 - (a) In the event of the death of the member and spouse, the spouse's benefits are equally divided and paid to each unmarried child until the child reaches age 21.
 - (b) The payments shall be made to the surviving parent or duly appointed guardian or as provided under Sections 49-11-609 and 49-11-610.
- (3) If a benefit is not distributed under the previous subsections, and the member has designated a beneficiary, the member's member contributions shall be paid to the beneficiary.
- (4) The combined monthly payments made to the beneficiaries of any member under this section may not exceed 75% of the member's final average monthly salary.
- (5)
 - (a) A spouse who requests a benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month:
 - (i) following the month in which the member died, if the application is received by the office within 90 days of the member's death; or
 - (ii) following the month in which the application is received by the office, if the application is received by the office more than 90 days after the member's death.